

### REMARKS

Claims 1-9 are pending in the application. Claim 8 is amended. Favorable reconsideration and allowance of this application is respectfully requested in light of the amendments and the foregoing remarks.

Claims 1-7 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,411,581 to Niewold (herein "the Niewold patent"). Applicant respectfully traverses the rejection. Claim 8 stands rejected as being anticipated by U.S. Patent No. 5,029,436 to Fredriksen et al. (herein "the Fredriksen et al. patent"). Claim 9 stands rejected as being unpatentable over the Fredriksen et al. patent in view of the Niewold patent.

Claim 1 recites a system for unloading grain from an agricultural combine that comprises an unloading conduit assembly for unloading grain from the combine into a grain truck or the like displaced horizontally from the grain tank. The unloading conduit assembly includes a vertical conduit and a horizontal conduit mounted on top of the vertical conduit, the horizontal conduit having an extent greater than an extent of said vertical conduit. The vertical conduit is mounted on the combine for rotational movement of at least a portion of the vertical conduit about its vertical axis. The vertical conduit also is mounted on the combine for sideways pivoting of at least a portion of the vertical conduit about a horizontal pivot axis *to permit retracting the horizontal conduit into a storage position on one side of the tank.*

The Niewold patent does not disclose an unloading conduit assembly having, *inter alia*, a vertical conduit with at least portion for sideways pivoting about a horizontal axis to permit retracting said horizontal conduit into a storage position *on one side of the alleged tank*. Rather, the Niewold patent discloses that the alleged horizontal conduit 72 pivots to a storage position behind the alleged hopper (See Fig. 1), not to one side of the alleged hopper as defined by the recited sideways pivoting of the vertical conduit about the horizontal axis. Thus, the Niewold patent does not disclose each and every claimed limitation recited in claim 1. Reconsideration and allowance of claim 1 is respectfully requested.

Claims 2-3 depend either directly or indirectly from claim 1 and are believed allowable for the same reasons that claim 1 is believed allowable, and may also include patentable subject matter in addition to that recited in claim 1.

Claim 4 recites a system for unloading harvested product from an agricultural combine that comprises an unloading conduit assembly for unloading product into a truck or the like located on any radius horizontally around the combine. The unloading conduit assembly includes *a vertical conduit extending upwardly out of the top of a storage tank* and a horizontal conduit extending radially from the vertical conduit, the horizontal conduit having an extent greater than an extent of the vertical conduit. The vertical conduit is mounted in the tank for sideways pivoting of at least a portion of the vertical conduit about a horizontal pivot axis to permit retracting said horizontal conduit

into a storage position on one side of said tank and below the level of the top of the tank.

The Niewold patent does not disclose a vertical conduit extending upwardly out of the top of a storage tank. Rather, the Niewold patent discloses an alleged vertical conduit 68 extending from a horizontal conduit 16 connected to a side of hopper 14 leading from a tailgate 32 (See Fig. 1). Thus, the Niewold patent does not disclose each and every claimed limitation recited in claim 4. Accordingly, allowance of claim 4 is respectfully requested.

Claims 5-7 depend either directly or indirectly from claim 4 and are believed allowable for the same reasons that claim 4 is believed allowable, and may also include patentable subject matter in addition to that recited in claim 4.

Claim 8 as amended recites an agricultural combine that includes a threshing assembly for supplying grain to a grain tank and a system for unloading grain from the combine. The system comprises, *inter alia*, a loop conveyor assembly for conveying grain from said threshing assembly to an unloading conduit assembly. The unloading conduit assembly includes an unloading conduit for receiving grain from the loop conveyor and conveying it to a truck or the like located on any radius horizontally around the combine. The unloading conduit includes a horizontal conduit which is retractable into an unoperative, stored position on the combine. No new matter is added by the amendment.

As discussed in the Examiner interview dated May 10, 2005, the Fredriksen et al. patent does not disclose a loop conveyor assembly for conveying grain from a threshing assembly to an unloading circuit as recited in claim 8 (See page 8 – Response to Office Action March 11, 2005). Rather, as acknowledged by the Examiner, the Fredriksen et al. patent discloses an alleged loop conveyer 20, 22 that transports grain from a thresher 14 to a grain tank 29 (See page 5 - Office Action dated July 28, 2005). A review of the other cited references fails to teach or suggest this limitation. Accordingly, reconsideration and allowance of claim 8 is respectfully requested.

Claim 9 depends directly from claim 8 and is believed allowable for the same reasons that claim 8 is believed allowable, and may also include patentable subject matter in addition to that recited in claim 8. For example, for reasons similar to those described above for claim 4, the Niewold patent does not disclose *an unloading conduit having a vertical conduit extending upwardly out of the top of a storage tank*. The other cited reference fails to correct this deficiency.

### CONCLUSION

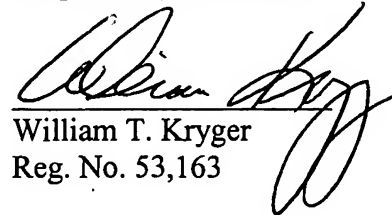
It is submitted that claims 1-9 define patentable subject matter. A Notice of Allowance is therefore respectfully requested.

No fee is believed due with this communication. Nevertheless, should the Examiner consider any fees to be payable in conjunction with this or any future communication, authorization is given to direct payment of such fees, or credit any overpayment to Deposit Account No. 50-1170.

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The Examiner is invited to contact the undersigned by telephone if it would help expedite matters.

Respectfully submitted,



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